

**REMARKS**

Favorable reconsideration of this application, in light of the following remarks, is respectfully requested.

Claims 1-6 are pending in this application. By this Amendment, claim 1 is amended. No new matter is added. Claim 1 is the sole independent claim.

**Telephonic Interview**

The courtesies extended to Applicants' representative, David J. Cho, Reg. No. 48,078, during a telephonic interview with Examiner Pardo conducted on June 24, 2009, are acknowledged and appreciated.

During the interview, Applicants' representative presented arguments of the failure of the Tantawy reference to disclose the subject matter of independent claim 1. More specifically, Applicants' representative argued that the Tantawy reference fails to disclose or suggest a process of pre-broadcast, and not the interaction with a terminal to determine the rights or possibility to transmit a digital content. The Examiner agreed, but indicated that the failure to sufficiently recite "the broadcast is without any interaction with a terminal executed by the diffuser," is not commensurate with the scope of claim 1 and, therefore, not affording patentable weight. The remainder of the interview was directed to discussing a level of recitation needed to clearly define this feature, thereby obviating the rejection based on the Tantawy reference.

Applicants' representative and Examiner Pardo agreed upon the discussed language (i.e., incorporation of "without any interaction with a terminal executed by the diffuser") would overcome the current rejection and be patentable over the cited prior art.

**Claim Rejections - 35 U.S.C. § 103**

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,597,891 ("Tantawy") in view of U.S. Patent Application Publication No. 2003/0067554 ("Klarfeld"). Applicants respectfully traverse this rejection for the reasons discussed below.

As discussed and agreed during the interview, Applicants respectfully submit that the Tantawy and the Klarfeld references, individually or in combination, fail to disclose or suggest, *inter alia*, "preparing a broadcast of the at least one digital content without any interaction with a terminal executed by the diffuser," as recited in claim 1.

The Tantawy reference, on the other hand, describes a solution in which a terminal receives the set of data (configurations, schedules, etc.) generated by the diffusion center, instead of a process executed by a diffuser before broadcasting a content without any interaction with a terminal. In addition, Tantawy describes that the terminal stores the database containing the data, rather than a diffuser storing the database containing the data. Accordingly, Applicants submit that the Tantawy reference fails to disclose or suggest, "preparing a broadcast of the at least one digital content without any interaction with a terminal executed by the diffuser. Therefore, because the proposed combination of the Tantawy and the Klarfeld references, whether alone or in combination, fails to teach or suggest *all* of the elements of claim 1, no *prima facie* case of obviousness has been established.

In view of the above, Applicants respectfully submit that one of ordinary skill in the art would not have combined the teachings of the Tantawy and the Klarfeld references in the manner used to reject the claims, and that the proposed combination of the Tantawy and the Klarfeld references fails to teach or suggest all of the elements of amended claim 1. Thus, no *prima facie* case of obviousness has been established.

Accordingly, claim 1 is allowable over the Tantawy and the Klarfeld references. Dependent claims 2-6 depend from claim 1 and are allowable for at least the reasons that claim 1 is allowable. Therefore, Applicants respectfully request that the rejection of claims 1-6 under 35 U.S.C. § 103(a) be favorable reconsidered and withdrawn.

### **CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicants do not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$ 360 extension fee herewith.

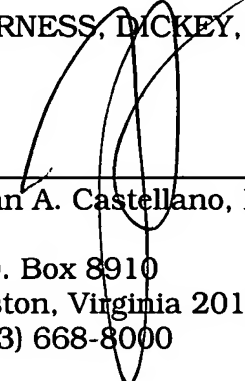
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
\_\_\_\_\_  
John A. Castellano, Reg. No. 35,094

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

JAC/DJC:clc